

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

NATASHA VAN DUSER, JACKSON LEA, CHARLOTTE MASON,  
TRISTAN HSU, MORGANN DANIELS, AMERICA ROSE MARVELOUS  
HERVE, RYAN MICKELSEN, KAYL WARD, STEPHANIE OSPINA,  
ZOE FROMER, NICOLE IRRIZARRY and JULIETA WINTERS,  
Individually and on behalf of all other persons similarly situated,

*Plaintiff(s)*

v.

TOZZER LTD. D/B/A NIAGARA NYC AND LOVERS OF TODAY, LAPIZZA  
SHOP, INC., D/B/A 96 TEARS, BERLIN AND CABIN DOWN BELOW,  
BOWERY TECH RESTAURANT LLC D/B/A BOWERY ELECTRIC,  
JONATHAN TOUBIN, JOHNNY YERINGTON A/K/A "JOHNNY T", JESSE  
MALIN, AND LAURA MCCARTHY, Jointly and Severally,

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* See attached Rider

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Douglas B. Lipsky  
LIPSKY LOWE LLP  
420 Lexington Avenue, Suite 1830  
New York, New York 10170

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 10/24/2023



/s/ J. Gonzalez

*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_ , a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

*Natasha Van Duser, et al. v. Tozzter Ltd. d/b/a Niagara NYC and Lovers of Today, et al.,*  
No. \_\_\_\_\_

RIDER TO SUMMONS IN A CIVIL ACTION

TO: *(Defendant's name and address)*

Tozzter Ltd. d/b/a Niagara NYC and Lovers of Today  
c/o Laura McCarthy  
200 4th Street  
Greenport, New York 11944

Lapizza Shop, Inc. d/b/a 96 Tears, Berlin and Cabin Down Below  
c/o Laura McCarthy  
200 Fourth Street  
Greenport, New York 11944

Bowery Tech Restaurant LLC d/b/a Bowery Electric  
c/o Laura McCarthy  
200 Fourth Street  
Greenport, New York 11944

Jonathan Toubin  
112 Avenue A  
New York, New York 10009

Johnny Yerington a/k/a "Johnny T"  
112 Avenue A  
New York, New York 10009

Jesse Malin  
112 Avenue A  
New York, New York 10009

Laura McCarthy  
112 Avenue A  
New York, New York 10009